

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DARRIN W. SHATNER,

Plaintiff,

v.

MIKE ATCHISON, HARRINGTON, S. NWAOBASI
and TIMOTHY VEATH

Defendants.

Case No. 13-cv-704-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Darrin W. Shatner's motion to withdraw his claims against defendant Timothy Veach (Doc. 79). The Court construes the filing as a motion to dismiss pursuant to Federal Rule of Civil Procedure 41(a)(2). Rule 41(a)(2) provides that only the Court may dismiss an action after an adverse party has filed an answer or motion for summary judgment and in the absence of a stipulation of dismissal of an entire case signed by all the parties. The Court has received no objection to the motion. Accordingly, the Court:

- **GRANTS** the motion (Doc. 79);
- **DISMISSES without prejudice** all claims in this case against defendant Veach; and
- **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case.

IT IS SO ORDERED.

DATED: October 27, 2015

s/ J. Phil Gilbert

**J. PHIL GILBERT
DISTRICT JUDGE**